

BOARD OF CODE STANDARDS AND APPEALS MINUTES

April 7, 2008

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Coonrod, Hartwell, Hentzen, Murabito, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Sharon Dickgrafe (Law Department); Kathy Morgan, Barbara Hammond (Metropolitan Planning Department).

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, April 7, 2008, at 1:37 p.m. in the Board Room, 1st floor, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the March 10, 2008, meeting.

A motion was made by Board Member Coonrod to approve the March minutes as submitted. Board Member Willenberg seconded the motion. The motion was unanimously approved.

2. Approval of the April 2008 license examination applications.

There were no contractor license examination applications for the month of April.

Chairman Murabito requested that the Board Members and City staff introduce themselves to the citizens in attendance.

3. Condemnation Hearings

Review Cases:

1. 2327 East Random

Brandon Hafer, brother of the owner, Eddie Hafer, was present to represent this property.

This property was first before the Board in December of 2007, and again at the March 2008 hearing. At the March hearing, a motion was made and approved to allow an additional thirty days to complete the remainder of the exterior work, maintaining the site in a clean and secure condition in the interim.

Ms. Legge told the Board that she had briefly spoken with Brandon Hafer prior to the start of the day's hearing. Mr. Hafer provided photos of the property taken the weekend prior to the April 7, 2008, hearing. The photos showed that a new roof and new siding had been installed. Mr. Hafer explained to Ms. Legge that a contractor had been hired to make the foundation repairs. Mr. Hafer had been assured by the contractor that the necessary permits would be obtained, and the required inspections would be requested. Upon learning that the contractor had not obtained the needed permits and inspections, Mr. Hafer told Ms. Legge that he would make certain that the permits and inspections were obtained as required.

The staff recommendation, Ms. Legge told the Board, would be to return the property to regular code enforcement as long as the proper permits and inspections were obtained for the foundation repairs.

Board Member Coonrod made a motion to return the property to regular code enforcement under the condition that the required permits and inspections were obtained. Board Member Hartwell seconded the motion. The motion carried.

New Cases:

1. 546 North Madison

There was no one present to represent this property.

This one-story frame dwelling is approximately 32 X 24 feet in size. Vacant for at least a year, the structure has shifting and cracking concrete block basement walls; there are missing wood lap and aluminum siding shingles; it has a sagging and badly worn composition roof; there are rotted and missing wood trim and framing members; and the two accessory structures are dilapidated.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion carried.

2. 537 North Estelle

No one was present to represent this property at the hearing.

Approximately 25 X 48 feet in size, this two-story frame dwelling has been vacant for at least five years. The structure has shifting and cracking block basement walls; and rotted and missing wood lap siding; the composition roof is badly worn and has holes and missing shingles; and the wood trim and framing members are rotted.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete the demolition. Board Member Hentzen seconded the motion. The motion was approved.

3. 1212 North Wabash

There was no one present on behalf of this property.

A one-story frame dwelling about 22 X 36 feet in size, this structure has been vacant for approximately six months. This building has a cracking concrete foundation; missing and damaged aluminum siding; the composition roof is sagging and is missing shingles; the front and rear porches are dilapidated; the wood trim and framing members are damaged and rotted.

The case on this property has been active since August 2007. Central Inspection was notified by the Wichita Police Department that there have been issues with drugs, prostitution and vagrants at the property.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to commence the demolition and ten days to complete the removal of the structure. Board Member Willenberg seconded the motion. The motion passed.

4. 1301 North Indiana

No representative was present on behalf of this property.

Vacant for at least seven years, this one-story frame dwelling is about 36 X 22 feet in size. This structure has a cracking block foundation; there is missing vinyl siding; the composition roof is sagging and has missing shingles; there are rotted wood trim and framing members; and the 16 X 20 foot accessory structure is dilapidated.

The active file was initiated on this property on August 23, 2000. Several improvement notices were issued, as well as numerous violation notices.

Board Member Hentzen made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking and ten days to finish the demolition. Board Member Willenberg seconded the motion. The motion carried.

5. 1123 North Spruce

No one attended the hearing as a representative of this property.

Vacant for at least seven years, this one-story frame dwelling is about 24 X 30 feet in size. The concrete basement walls are shifting and cracking; there are missing asbestos siding shingles; it has a sagging composition roof.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete the demolition. Board Member Hentzen seconded the motion. The motion was approved.

6. 1102 North Green

There was no one present as a representative for this property.

Thirty-by-thirty-two feet in size, this one-story frame dwelling has been vacant for approximately nine months. This structure has a rotted sill plate; the wood lap siding is deteriorated; there are rotted framing members; and the 20 X 24 accessory structure is dilapidated.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete the demolition. Board Member Hentzen seconded the motion. The motion carried unanimously.

7. 1201 North Green

Mr. Will O'Neal, owner, was in attendance to represent this property.

Mr. O'Neal stated that he had purchased this property at a tax foreclosure auction. His original intention was to renovate the property, but discovered that the structural damage was too severe to make repairs feasible. He has cleared the yard of debris and trimmed the trees. He requested input from the Board on what direction he should take with the property.

Chairman Murabito suggested that he contact some of the area non-profit organizations regarding the possibility of having the structure demolished and then a new house constructed in its place.

Mr. O'Neal said that he had made some inquiries into possible grants and/or loans for repairs, but the general opinion seemed to be that the cost of any repairs would exceed the value of the property.

Board Member Hartwell made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the removal of the structure. Board Member Willenberg seconded the motion. The motion was approved.

Ms. Legge explained that the Board's motion was to recommend to the City Council that Mr. O'Neal would be given ten days to begin demolition of the structure and ten days to complete the demolition. The recommendation would go before the City Council in approximately sixty days; the hearing before the City Council would be the formal action of condemnation, at which time Mr. O'Neal would have the opportunity to address the Council if he desired. Ms. Legge further explained that Mr. O'Neal had the option of razing the

structure himself, rather than having the City Council order the demolition. If Mr. O'Neal proceeded with demolition of his own accord, Ms. Legge continued, there would likely be less cost associated with the wrecking of the structure than if the City were to follow through with the demolition.

Mr. Schroeder suggested that Mr. O'Neal get bids from two or three licensed wrecking contractors before the property is placed on the City Council Agenda.

8. 1331 North Green

Mr. Ira Davis, son of the owner, Portia Carter, was present as the representative for this property.

This is a one-story frame dwelling approximately 38 X 34 feet in size. Vacant for at least five years, the structure has a shifting and cracking concrete block foundation; rotted and missing wood trim and framing members; and the 6 X 6 foot accessory structure is deteriorated.

The active file was started on this property in November of 2002. Numerous notices of improvements and violation notices were issued. Central Inspection staff has done two emergency board-ups on the property at a cost of approximately \$200. The 2005 and 2007 taxes are delinquent in the amount of \$1,884.74. There is a 2007 Special Assessment levied against the property for weed mowing, board-up and lot clean-up in the amount of \$1,170.52; and a 2008 Special Assessment for weed mowing in the amount of \$119.30. At the last site inspection, it was noted that there was a small amount of bulky waste on the property.

There is also an open Neglected Building case on the property; there have been no repairs made; the structure is secure.

Mr. Davis explained that his grandmother had owned the property, and had become incapacitated to the point that she had been moved to a nursing home. Mr. Davis' mother, Portia Carter, had received control of the property after recovering the property from tax foreclosure. He requested that the Board grant his mother 120 days to determine a plan of action for the property.

Board Member Hentzen made a motion to allow sixty days for the exterior violations to be brought into compliance, and the delinquent taxes be paid; or the property would be referred to the City Council with a recommendation of demolition, with ten days to start demolition and ten days to complete razing of the structure. Board Member Coonrod seconded the motion. The motion was carried.

Ms. Legge explained to Mr. Davis that the Board had allowed sixty days for the exterior of the property to be brought into minimum code compliance; if the repairs are not made or if the owner chooses to demolish the structure, the case would be closed. Should neither of these conditions be met, the property would be placed on the City Council Agenda for consideration of condemnation.

9. 1351 North Poplar

Mr. Quyen Ngoc Ninh was present as the representative of this property.

This one-story frame dwelling is about 20 X 50 feet in size. It is vacant and open; it has a shifting and cracking concrete foundation; the stucco siding is rotted and cracking; the composition roof is badly worn and has missing shingles; the front porch is deteriorated; and the wood trim and fascia are rotted.

The active case was initiated in March of 2007. In June of 2007 the Wichita Police Department requested that Central Inspection make an inspection of the property. Vagrants had been found sleeping in the building in February of 2008. There have been two emergency board-ups completed by Central Inspection at the cost of \$255.41. There is currently an open environmental case on the property.

A new owner has purchased the property. The taxes are current, and there are no Special Assessments levied against the property. There are some bulky waste and roofing shingles on the premises. There is also an open Neglected Building case on this property. A new roof and fascia boards have been installed; however, no permit was obtained for the roofing. The structure is secure.

Mr. Ninh addressed the Board and explained that he had recently purchased the property. He has been in contact with the area Neighborhood Inspector regarding the required repairs needed on the structure. He has done some painting and has replaced the storm door. He requested that the Board allow additional time for the rest of the repairs to be made.

Board Member Coonrod made a motion to allow sixty days for the completion of the exterior repairs, maintaining the site in a safe, clean and secure condition in the interim, or reappear before the Board with an update on the status of the property. Board Member Hentzen seconded the motion. The motion passed.

10. 1323 North Volutsia

There was no representative present for this property.

Approximately 37 X 24 feet in size, this one-story frame dwelling has been vacant for at least three years. The structure has shifting and cracking concrete block basement walls; there are missing asbestos siding shingles; the rear porch is dilapidated; and the wood trim is rotted.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete the demolition. Board Member Hentzen seconded the motion. The motion carried unanimously.

11. 1314 North Lorraine

This property was represented by a letter from one of the heirs to the estate, Milton S. Peters.

The deed to the property is currently tied up in probate and has not been released to the heirs. Until Mr. Peters and his brother receive control of the property, they will make certain that the exterior is cleared of debris and will cut the grass. Once they receive the property title, Mr. Peters stated in his letter that he and his brother intend to sell the house.

Board Member Coonrod made a motion to allow thirty days for the heirs to obtain the deed and arrange for the sale of the house; if the matter is not resolved in thirty days, the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin the wrecking of the structure and ten days to complete the removal. Board Member Hentzen seconded the motion. The motion was approved.

12. 1325 North Lorraine

Mr. Louis Bush, owner, was present on behalf of this property.

This one-story frame dwelling is about 36 X 22 feet in size. Vacant for at least ten years, it has shifting and cracking concrete basement walls; cracking brick siding; the composition roof is badly worn; and the front porch is deteriorating. The active file was initiated on June 11, 1991. Several Notices of Improvements and Notices of Violations have been issued since that time. Central Inspection was notified that the owner at that time was incapacitated. Repairs progressed slowly through 1992 and 1993. In March 1994, the exterior was in good condition. The file remained open on this property because it was vacant and there had also been interior violations noted. In 1999 repairs were commenced again, progressing slowly. In September of 2002, a new owner purchased the property. Some repairs were started again in June of 2005.

There is currently an open environmental case on the property. There are delinquent taxes for 2004, 2005, 2006 and 2007 in the amount of \$1,008.29; it is in the early stages of tax foreclosure. There are no Special Assessments levied against the property. The premise condition is fair. Although no repairs have been made to the structure, it is secure.

Mr. Bush told the Board that his plan was to repair the property. After purchasing the supplies, Mr. Bush said he had hired a contractor to make the roof repairs, but had paid the contractor prior to the work being done. The contractor has not been back to the job since he was paid.

Board Member Hartwell observed that there appeared to be extensive foundation damage. He asked Mr. Bush if he had investigated the stability of the foundation. Mr. Bush replied that he had not addressed the issues with the foundation, but if it required repairs, he would arrange to get the work done. Board Member Hartwell suggested that Mr. Bush follow up on the stability of the foundation before putting more money into the rest of the structure, noting that repairing the building would be of no value if the foundation was not adequate to support the structure.

Board Member Hartwell made a motion to allow thirty days for Mr. Bush to evaluate the condition of the property and the possible cost of repairs, and then report his decision to the Board. Board Member Coonrod seconded the motion. The motion was approved by the Board.

13. 2044 North Kansas

No one was present as a representative for this property.

A one-story frame dwelling about 16 X 42 feet in size, this structure has been vacant for at least six years. The concrete foundation is cracking; and the composition roof is badly worn.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to initiate demolition and ten days to complete the removal of the structure. Board Member Hartwell seconded the motion. The motion carried, unopposed.

14. 3723 East Funston

There was no one in attendance as a representative for this property.

This structure is a one-story frame dwelling, approximately 40 X 28 feet in size. Vacant for an unknown period of time, the structure has a shifting concrete basement wall; and the siding is missing bricks.

The active file on this property was started in May 2006.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the demolition. Board Member Hentzen seconded the motion. The motion carried unanimously.

15. 3333 South Broadway

Ms. Jacona Gillespie, owner of the property, was present at the hearing.

A two-story masonry dwelling, approximately 42 X 54 feet in size, this structure is vacant and open. The concrete block basement walls are cracking; the brick siding is deteriorating; there are missing shingles on the badly worn composition roof; the front and rear porches are deteriorating; there are rotted wood trim and fascia; and the 18 X 12 foot accessory structure is dilapidated.

In February of 2000 the active case was started on this property. The original owner of the property is deceased, and the property was in an estate for quite some time. Over the years, Ms. Gillespie has made attempts to repair or to sell the property without success. On April 1, 2008, Central Inspection was notified that there was a potential buyer for the property.

The 2006 and 2007 taxes are delinquent in the amount of \$4411.00, including Special Assessments for sewer and street paving. There are some concrete blocks and miscellaneous debris on the site. The structure was open at the last inspection.

Ms. Gillespie relayed to the Board that she had a pending contract for sale of the property for May 1, 2008. The purchasers' first priority will be to repair the roof and windows. Until the property is sold, Ms. Gillespie said that she would maintain it. A previous attempt to sell the property on contract ended in a default on the contract, and the property reverted back to Ms. Gillespie.

Board Member Coonrod inquired what Ms. Gillespie planned to do if the pending sale did not occur. She replied that she would have the structure razed if she was unable to sell it.

Ms. Kathy Morgan, Historical Preservation/Metropolitan Planning Department, interjected that the house is listed in the Wichita Register of Historic Places, and it would be difficult for anyone to obtain permission to have the house demolished. She also stated that there are remediations available for historic structures, such as a low interest revolving loan that could be obtained by the potential buyer in order to make repairs. Additionally, the City Ordinance has a provision, Demolition by Neglect, which would require Central Inspection to address the major issues on the property; the cost would be recovered from the revolving loan funds, and then attached to the property as a lien. The house is one of the remaining houses of the early settlers of Wichita and Sedgwick County, built around 1869.

Board Member Hartwell made a motion to allow sixty days for the finalization of the pending sale of the property, maintaining the site in a clean and safe condition in the interim. Board Member Willenberg seconded the motion. The motion was unanimously approved.

Ms. Gillespie agreed to secure the open accessory structure, noting that the new buyers would probably remove the shed.

In the event that the sale of the property does not go through, Ms. Morgan suggested that Central Inspection notify the Historical Preservation office and begin the process for maintaining the structure as allowed by the Demolition by Neglect provision.

Unfit for Habitation case:

1623 North Arkansas

This property was represented by Ron Sickman, attorney for the deceased owner's son, Darren Watson, who was also present.

This property was first before the Board at the February 2008 hearing. At that time, the owner was unable to appear due to illness. Since that time, the owner has passed away, and his son is occupying the property.

Mr. Watson, along with his attorney, appeared before the Board to appeal the decision of the Board to declare the property as unfit for habitation.

Mr. Sickman addressed the Board, informing the Board that most of the debris has been removed from the site. The roof has been replaced; and an electric water heater has replaced the propane water heater that was improperly vented. The wood trim has also been replaced. The exposed electrical wiring has been corrected. There are no longer any kerosene/propane heating appliances in use. The water-damaged ceiling and walls have been repaired. The open sewer has been corrected. A Winnebago that was on the property has been sold, and the buyer is to pick it up within two days. If the buyer does not pick up the vehicle within the allotted

time, Mr. Watson will have it removed from the site. The garage is not completed; however, Mr. Watson intends to start on the structure as soon as he has finished the repairs on the house.

Mr. Watson provided current photos for Ms. Legge and the Board to view. Ms. Legge agreed that at least ninety-percent of the exterior violations have been corrected.

Ms. Dickgrafe told the Board that the staff recommendation is to reverse the unfit for habitation decision and return the property to regular code enforcement.

Chairman Murabito inquired about the work to be done on the garage, and the time frame anticipated to complete the work. Mr. Watson responded that he intended to hire a contractor to do the majority of the repairs to the garage, and hoped to have it finished within the next thirty days.

Board Member Coonrod made a motion to return the property to regular code enforcement. Board Member Willenberg seconded the motion. The motion was unanimously approved.

With no other business to conduct, Board Member Willenberg made a motion to adjourn the meeting. Board Member Hartwell seconded the motion. The motion carried.

The meeting adjourned at 2:44 p.m.